

International Court of Justice

Press Release 2004/31

Romania brings a case against Ukraine to the Court in a dispute concerning the maritime boundary between the two States in the Black Sea

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THE HAGUE, 16 September 2004. Romania today brought a case against Ukraine to the International Court of Justice (ICJ), principal judicial organ of the United Nations, in a dispute the subject of which is described in the Application as “concern[ing] the establishment of a single maritime boundary between the two States in the Black Sea, thereby delimiting the continental shelf and the exclusive economic zones appertaining to them”.

In its Application Romania explains that, “following a complex process of negotiations”, Ukraine and itself signed on 2 June 1997 a Treaty on Relations of Co-operation and Good-Neighborliness, and concluded an Additional Agreement by exchange of letters between their respective Ministers for Foreign Affairs. Both instruments entered into force on 22 October 1997. By these agreements, “the two States assumed the obligation to conclude a Treaty on the State Border Regime between them, as well as an Agreement for the delimitation of the continental shelf and the exclusive economic zones . . . in the Black Sea”. At the same time, “the Additional Agreement provided for the principles to be applied in the delimitation of the above-mentioned areas, and set out the commitment of the two countries that the dispute could be submitted to the ICJ, subject to the fulfilment of certain conditions”. Between 1998 and 2004, 24 rounds of negotiations were held. However, according to Romania, “no result was obtained and an agreed delimitation of the maritime areas in the Black Sea was not accomplished”. Romania now brings the matter before the Court “in order to avoid the indefinite prolongation of discussions that, in [its] opinion, obviously cannot lead to any outcome”.

Romania requests the Court “to draw in accordance with international law, and specifically the criteria laid down in Article 4 of the Additional Agreement, a single maritime boundary between the continental shelf and the exclusive economic zone of the two States in the Black Sea”.

As a basis for the Court’s jurisdiction Romania invokes Article 4 (h) of the Additional Agreement, which provides :

“If these negotiations [referred to above] shall not determine the conclusion of the above-mentioned agreement [on the delimitation of the continental shelf and the exclusive economic zones in the Black Sea] in a reasonable period of time, but not later than 2 years since their initiation, the Government of Romania and the Government of Ukraine have agreed that the problem of delimitation of the continental shelf and the exclusive economic zones shall be solved by the UN International Court of Justice, at the request of any of the parties, provided that the Treaty on the regime of the State border between Romania and Ukraine has entered into force. However, should the International Court of Justice consider that the delay of the entering into force of the Treaty on the regime of the State border is the result of the other Party’s fault, it may examine the request concerning the delimitation of the continental shelf and the exclusive economic zones before the entering into force of this Treaty”.

Romania contends that the two conditions set out in Article 4 (h) of the Additional Agreement have been fulfilled, since the negotiations have by far exceeded two years and the Treaty on the Romanian-Ukrainian State Border Regime entered into force on 27 May 2004.

In its Application Romania further provides an overview of the applicable law for solving the dispute, citing a number of provisions of the Additional Agreement of 1997, as well as the 1982 Montego Bay United Nations Convention on the Law of the Sea, to which both Ukraine and itself are parties, together with other relevant instruments binding the two countries.

Fuente: Corte Internacional de Justicia